

AMENDED IN SENATE JUNE 9, 2010

AMENDED IN SENATE MAY 10, 2010

AMENDED IN SENATE JUNE 10, 2009

AMENDED IN SENATE JUNE 8, 2009

AMENDED IN ASSEMBLY APRIL 30, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 715

Introduced by Assembly Member Caballero

(Principal coauthor: Assembly Member Nielsen)

(Coauthors: Assembly Members Arambula, Blakeslee, and Fuller)

February 26, 2009

An act relating to land conservation, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 715, as amended, Caballero. Land conservation: subventions to local government: funding.

Existing law, known as the California Land Conservation Act of 1965, or the Williamson Act, authorizes a city or county, by contract, to limit the uses of land to agricultural uses or as an agricultural preserve in exchange for reduced property taxes. Existing law provides replacement revenues to local governments by reason of the reduction of the property tax on open-space lands assessed under specified provisions of the Revenue and Taxation Code (subvention payments), including lands enrolled under the Williamson Act. Existing law continuously

appropriates to the Controller from the General Fund a sum sufficient to make the payments required under those provisions.

The Disaster Preparedness and Flood Prevention Bond Act of 2006, a bond act approved by the voters at the November 7, 2006, statewide general election, makes \$290,000,000 available, upon appropriation, for the protection, creation, and enhancement of flood protection corridors and bypasses through certain actions, including acquiring easements and other interests in real property to protect or enhance flood protection corridors and bypasses while preserving or enhancing the agricultural use of the real property, and acquiring interests in, or providing incentives for maintaining agricultural uses of, real property that is located in a flood plain that cannot reasonably be made safe from future flooding.

This bill would appropriate ~~an unspecified amount~~ \$11,000,000 from those bond moneys to the Controller, for subvention payments for those parcels enrolled under the Williamson Act for purposes consistent with specified agricultural and flood protection corridor purposes for which the bond moneys are made available.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) *The Legislature finds and declares all of the*
- 2 *following:*
- 3 (1) *Ensuring the health and safety of Californians against*
- 4 *flooding is an essential priority for the state.*
- 5 (2) *It is not possible to make all areas in flood plains safe from*
- 6 *future flooding, and in those cases, alternative strategies such as*
- 7 *flood corridors may be the best strategy for minimizing the impact*
- 8 *of flooding on urban populations and the built environment.*
- 9 (3) *In 2006, voters approved the Disaster Preparedness and*
- 10 *Flood Prevention Bond Act of 2006, which includes funding for*
- 11 *the protection, creation, and enhancement of flood protection*
- 12 *corridors and bypasses.*
- 13 (4) *Protecting, creating, and enhancing flood protection*
- 14 *corridors and bypasses can include allowing agricultural and*
- 15 *other natural lands to accommodate seasonal flooding during high*
- 16 *water events.*

1 (5) *California's agricultural lands provide many public benefits,*
2 *including food supply, water quality, water supply, flood protection,*
3 *wildlife habitat, scenic open space, and climate change benefits.*

4 (6) *A significant amount of California's agricultural lands are*
5 *in areas designated as flood plains and may provide protection to*
6 *urban populations and areas from flooding.*

7 (7) *The Department of Water Resources has recognized the*
8 *value of agricultural and other natural lands for this purpose and*
9 *has previously purchased flood easements, conservation easements,*
10 *and land to protect, create, and enhance flood protection corridors.*

11 (8) *The California Land Conservation Act of 1965, otherwise*
12 *known as the Williamson Act, has proved to be a very effective*
13 *farm and ranch preservation program, protecting over 16.5 million*
14 *acres.*

15 (9) *Due to the state's budget crisis, counties have suffered the*
16 *complete loss of subvention payments for the lands under contract*
17 *in their respective counties.*

18 (10) *Approximately 2,048,470 acres lie within the 100-year*
19 *flood plain in California that are also subject to the Williamson*
20 *Act.*

21 (11) *The Imperial County Board of Supervisors has voted to*
22 *nonrenew all the Williamson Act contracts in its county if at least*
23 *some portion of subvention payments are not restored. Other*
24 *counties are expected to follow in this action.*

25 (12) *A broad coalition of local governments, agricultural*
26 *organizations, unions, environmental and conservation groups,*
27 *outdoor recreation organizations, including hunters and fishers,*
28 *and landowners are working together to find a permanent solution*
29 *for funding subvention payments to counties for the Williamson*
30 *Act.*

31 (b) *The purpose of this act is:*

32 (1) *To provide a one-time, partial funding for the continuation*
33 *of the Williamson Act subventions in the 2010–11 fiscal year.*

34 (2) *To identify the acreage of land in each county that is under*
35 *Williamson Act contract and lies within a flood plain that is eligible*
36 *for subvention payments pursuant to subdivision (e) of Section*
37 *5096.825 of the Public Resources Code.*

38 ~~SECTION 1. Of~~

39 SEC. 2. (a) *Of the funds made available pursuant to Section*
40 *5096.825 of the Public Resources Code, the sum of _____ eleven*

million dollars (~~\$~~) (\$11,000,000) is hereby appropriated to the Controller, for subvention payments pursuant to Chapter 3 (commencing with Section 16140) of Part 1 of Division 4 of Title 2 of the Government Code for those parcels enrolled in a land conservation program pursuant to the California Land Conservation Act of 1965 (also known as the Williamson Act)(Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5 of the Government Code) for purposes consistent with subdivision (a) or (e) of Section 5096.825 of the Public Resources Code.

(b) Any funding made available for subventions to counties pursuant to this act shall be a one-time payment to the county, and shall not be subject to repayment.

(c) If the appropriated funds are not adequate to provide the full funding according to the schedule provided by subdivision (e), each county shall receive an amount calculated as a pro rata amount of the total funds made available through this act.

(d) For purposes of this act, “real property that is located in a flood plain that cannot reasonably be made safe from future flooding” means lands that lie within the 100-year flood plain according to the designation or mapping by the Department of Water Resources.

(e) Payments shall be made according to the following schedule, which reflects the acreage within each county that is under a Williamson Act contract and lies within the 100-year flood plain:

County	Acres under Williamson Act contract and located in a 100-year flood plain
Alameda County	3,055 acres
Alpine County	_____ acres
Amador County	4,607 acres
Butte County	65,933 acres
Calaveras County	2,241 acres
Colusa County	66,671 acres
Contra Costa County	5,998 acres
Del Norte County	0 acres
El Dorado County	630 acres
Fresno County	132,313 acres

1	<i>Glenn County</i>	<i>48,681 acres</i>
2	<i>Humboldt County</i>	<i>10,102 acres</i>
3	<i>Imperial County</i>	<i>_____ acres</i>
4	<i>Inyo County</i>	<i>0 acres</i>
5	<i>Kern County</i>	<i>242,003 acres</i>
6	<i>Kings County</i>	<i>292,575 acres</i>
7	<i>Lake County</i>	<i>2,707 acres</i>
8	<i>Lassen County</i>	<i>12,091 acres</i>
9	<i>Los Angeles County</i>	<i>_____ acres</i>
10	<i>Madera County</i>	<i>146,149 acres</i>
11	<i>Marin County</i>	<i>46 acres</i>
12	<i>Mariposa County</i>	<i>2,835 acres</i>
13	<i>Mendocino County</i>	<i>16,514 acres</i>
14	<i>Merced County</i>	<i>82,455 acres</i>
15	<i>Modoc County</i>	<i>14,338 acres</i>
16	<i>Mono County</i>	<i>1,638 acres</i>
17	<i>Monterey County</i>	<i>41,486 acres</i>
18	<i>Napa County</i>	<i>263 acres</i>
19	<i>Nevada County</i>	<i>80 acres</i>
20	<i>Orange County</i>	<i>0 acres</i>
21	<i>Placer County</i>	<i>8,037 acres</i>
22	<i>Plumas County</i>	<i>40,546 acres</i>
23	<i>Riverside County</i>	<i>4,299 acres</i>
24	<i>Sacramento County</i>	<i>137,895 acres</i>
25	<i>San Benito County</i>	<i>21,409 acres</i>
26	<i>San Bernardino County</i>	<i>_____ acres</i>
27	<i>San Diego County</i>	<i>971 acres</i>
28	<i>San Francisco County</i>	<i>0 acres</i>
29	<i>San Joaquin County</i>	<i>201,756 acres</i>
30	<i>San Luis Obispo County</i>	<i>54,488 acres</i>
31	<i>San Mateo County</i>	<i>2,845 acres</i>
32	<i>Santa Barbara County</i>	<i>25,101 acres</i>
33	<i>Santa Clara County</i>	<i>12,933 acres</i>
34	<i>Santa Cruz County</i>	<i>6,721 acres</i>
35	<i>Shasta County</i>	<i>5,125 acres</i>
36	<i>Sierra County</i>	<i>938 acres</i>
37	<i>Siskiyou County</i>	<i>638 acres</i>
38	<i>Solano County</i>	<i>99,608 acres</i>
39	<i>Sonoma County</i>	<i>20,789 acres</i>
40	<i>Stanislaus County</i>	<i>28,833 acres</i>

1	<i>Sutter County</i>	<i>2,922 acres</i>
2	<i>Tehama County</i>	<i>38,207 acres</i>
3	<i>Trinity County</i>	<i>518 acres</i>
4	<i>Tulare County</i>	<i>110,396 acres</i>
5	<i>Tuolumne County</i>	<i>865 acres</i>
6	<i>Ventura County</i>	<i>11 acres</i>
7	<i>Yolo County</i>	<i>88,416 acres</i>
8	<i>Yuba County</i>	<i>0 acres</i>
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